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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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07/621, 988 12/04/90 OPPERMANN

H CRP-001CP2DV

EXAMINER

NUTTER, N

ART UNIT	PAPER NUMBER
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15/E

1503

DATE MAILED:

06/05/92

EDMUND R. FITCHER, ESQ.  
TESTA, HURWITZ, & THIBEAULT  
53 STATE STREET  
BOSTON, MA 02109

### NOTICE OF ALLOWABILITY

#### PART I.

- This communication is responsive to 29 April 1992
- All the claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice Of Allowance And Issue Fee Due or other appropriate communication will be sent in due course.
- The allowed claims are 22 - 26, 28, 29, 34, 35, 45, 50, 51, 81, 82, 85 and 86.
- The drawings filed on \_\_\_\_\_ are acceptable.
- Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has [...] been received. [...] not been received. [...] filed in parent application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.
- Note the attached Examiner's Amendment.
- Note the attached Examiner Interview Summary Record, PTOL-413, 2
- Note the attached Examiner's Statement of Reasons for Allowance.
- Note the attached NOTICE OF REFERENCES CITED, PTO-892.
- Note the attached INFORMATION DISCLOSURE CITATION, PTO-1449.

#### PART II.

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" indicated on this form. Failure to timely comply will result in the ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- APPLICANT MUST MAKE THE DRAWING CHANGES INDICATED BELOW IN THE MANNER SET FORTH ON THE REVERSE SIDE OF THIS PAPER.
  - Drawing informalities are indicated on the NOTICE RE PATENT DRAWINGS, PTO-948, attached ~~hereto~~ or to Paper No. 9. CORRECTION IS REQUIRED.
  - The proposed drawing correction filed on \_\_\_\_\_ has been approved by the examiner. CORRECTION IS REQUIRED.
  - Approved drawing corrections are described by the examiner in the attached EXAMINER'S AMENDMENT. CORRECTION IS REQUIRED.
  - Formal drawings are now REQUIRED.

Any response to this letter should include in the upper right hand corner, the following information from the NOTICE OF ALLOWANCE AND ISSUE FEE DUE: ISSUE BATCH NUMBER, DATE OF THE NOTICE OF ALLOWANCE, AND SERIAL NUMBER.

#### Attachments:

- Examiner's Amendment  
 Examiner Interview Summary Record, PTOL- 413, 2  
 Reasons for Allowance  
 Notice of References Cited, PTO-892  
 Information Disclosure Citation, PTO-1449

- Notice of Informal Application, PTO-152  
 Notice re Patent Drawings, PTO-948  
 Listing of Bonded Draftsmen  
 Other

BEST AVAILABLE COPY

Serial No. 621,988

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Art Unit 1503

This application is in condition for allowance except for the presence of claims 32, 33, 36-44 and 87-95 to inventions nonelected without traverse. Accordingly, claims 32, 33, 36-44 and 87-95 been cancelled.

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

In the claims:

Cancel claims 32, 33, 36-44 and 87-95.

In claim 25, change the dependency to read "claim 22".

In claim 26, change the dependency to read "claim 22 or 25".

Authorization for this Examiner's Amendment was given in a telephone interview with Robin D. Kelley on 01 June 1992.

*Nathan M. Nutter*

NATHAN M. NUTTER  
PATENT EXAMINER  
ART UNIT 153

N. Nutter/kd  
June 01, 1992  
703-308-2351

2B



UNITED STATES DEPARTMENT OF COMMERCE  
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**NOTICE OF ALLOWANCE  
AND ISSUE FEE DUE**

- Note attached communication from the Examiner  
 This notice is issued in view of applicant's communication filed \_\_\_\_\_

SERIES CODE/SERIAL NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
07/621, 988	12/04/90	016	NUTTER, N	1503 06/05/92
First Named Applicant OPPERMANN,			HERMANN	

TITLE OF  
INVENTION  
OSTEOGENIC PROTEINS

	ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
1	CRP-001CP2DV	530-326, 000	D38	UTILITY	NO	\$1130.00	09/08/92

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.  
PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS  
APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY Status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the Status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the Status is the same, pay the FEE DUE shown above.

II. Part B of this notice should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by a charge to deposit account, Part B should be completed and returned. If you are charging the ISSUE FEE to your deposit account, Part C of this notice should also be completed and returned.

III. All communications regarding this application must give series code (or filing date), serial number and batch number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees.**